

## **Minneapolis City Planning Department Report**

3 Conditional Use Permits, Parking Variance, 10 Sign Variances, Major Site Plan Review,  
Preliminary Plat, Air-Rights Vacation and Travel Demand Management Plan  
BZZ-1092 (Guthrie Theater)

**Date:** April 14, 2003

**Applicant:** Joe Dowling, The Guthrie Theater Foundation

**Address of Property:** 802, 812 and 900 Second Street South

**Project Name:** The Guthrie Theater Foundation

**Date Application Deemed Complete:** March 19, 2003

**End of 60 Day Decision Period:** May 18, 2003

**End of 120 Day Decision Period:** Not applicable

**Applicant has Waived 60 Day Requirement:** No

**Contact Person and Phone:** Rebecca Rom, Faegre & Benson, LLP, (612) 766-7231

**Planning Staff and Phone:** Jack Byers (612) 673-2634 and Hilary Watson (612) 673-2639

**Ward:** 2      **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association

**Existing Zoning:** C3A with the Downtown Parking, Downtown Height and Mississippi River Overlays

**Proposed Use:** Indoor Theater

### **Concurrent Review**

#### Use related items:

- **Conditional Use Permit:** for an indoor theater
- **Conditional Use Permit:** to increase the maximum allowed height of an indoor theater from 4 stories or 56 feet to 10 stories or 168 feet

#### Site design, building design, and public interface:

##### **Major Site Plan Review**

**Conditional Use Permit:** to allow for a 15-stall accessory surface parking lot

##### **Travel Demand Management Plan**

**Variance:** to reduce the minimum parking requirement from 709 spaces to 15 spaces

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Signage and wall murals:

- **Variance:** to exceed the maximum allowable sign budget from 969 square feet to 26,721.2 square feet
- **Variance:** to increase the maximum allowed area for three graphic wall image signs from 180 square feet to 15, 314 square feet, 4,821 square feet and 4,379 square feet
- **Variance:** to increase the maximum allowed area for eleven wall panel signs from 180 square feet to 1575, 954, 530, 331.3, 331.3, 397.5, 543.3, 940.3, 477, 622.5 and 636
- **Variance:** to increase the maximum allowed area for a wall sign from 180 square feet to 256 square feet
  
- **Variance:** to allow three roof mounted signs
- **Variance:** to increase the maximum allowed area for three roof mounted signs from 180 square feet to 400, 300 and 225 square feet
- **Variance:** to change the content of three roof mounted flashing signs

Items related to legal property descriptions and rights:

- **Preliminary Plat**
- **Air-Rights Vacation:** of a portion of the air rights above 2<sup>nd</sup> Street South between Chicago Avenue South and 9<sup>th</sup> Avenue South, beginning 31 feet above the current level of 2<sup>nd</sup> Street South.

**Previous Actions and Presentations:**

- May 25, 2000: Planning Commission invited to attend and participate in Public Open House to review preliminary work on the *Update to the Historic Mills District Master Plan* (including Design Goals for the new Guthrie Theater complex.)
- July 13, 2000: Preliminary presentation of goals for the new Guthrie Theatre and the *Update to the Historic Mills District Master Plan* by Planning Staff and MCDA staff to City Planning Commission Committee of the Whole.
- July 27, 2000: Preliminary presentation of parking issues and proposals related to the new Guthrie Theatre and the *Update to the Historic Mills District Master Plan* by Planning Staff and MCDA staff to Planning Commission/Committee of the Whole.
- July/August 2000: Preliminary presentation of goals for the new Guthrie Theatre and the *Update to the Historic Mills District Master Plan* by Planning Staff and MCDA staff to the following organizations: The Minneapolis Heritage Preservation Commission, The Minneapolis Park and Recreation Board, The Minneapolis City Council Committee of the Whole, The Industry Square Project Committee, The Metropolitan Sports Facilities Commission, The Hennepin County Board, The St. Anthony Falls Heritage Board, The Mississippi River Technical Advisory Committee.
- August 10, 2000: Presentation of proposed “Design Goals” for the new Guthrie Theatre by Planning Staff and MCDA staff to Planning Commission Committee of the Whole.
- April 19, 2001: Progress report on the Guthrie Theatre project from Planning Staff and MCDA Staff.

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- April 30, 2001: City Planning Commission approval for rezoning of parcels in I-1 district to C3a in order to achieve contiguous zoning district. City Planning Commission approval of vacation of Tenth Avenue right-of-way between West River Road and South 2<sup>nd</sup> Street to attain contiguous parcel.
- May 2001: Approval for rezoning of parcels in I-1 district to C3a by Zoning and Planning Committee and subsequently by the Full City Council.
- June 19, 2001: Heritage Preservation Commission reviews the draft *Update to the Historic Mills District Master Plan* during the 45-day review period and subsequently recommends adoption by the City Planning Commission.
- July 2001: Approval for vacation of Tenth Avenue right-of-way by Zoning and Planning Committee and subsequently by the Full City Council.
- August 9, 2001: City Planning Commission/Committee of the Whole reviews comments registered in the 45-day review period for the *Update to the Historic Mills District Master Plan*. Committee recommends approval and forwards to the Planning Commission.
- August 20, 2001: City Planning Commission holds a public hearing and subsequently adopts the *Update to the Historic Mills District Master Plan* as a small area plan to be used in conjunction with *Downtown 2010*.
- August 28, 2001: Zoning and Planning Committee of the Minneapolis City Council adopts the *Update to the Historic Mills District Master Plan* as a small area plan to be used in conjunction with *Downtown 2010*.
- September 14, 2001: Minneapolis City Council adopts the *Update to the Historic Mills District Master Plan* as a small area plan to be used in conjunction with *Downtown 2010*.
- December 13, 2001: Presentation to the Planning Commission/Committee of the Whole by Peter Kitchak of the Keewaydin Group on the works of Jean Nouvel.
- January 15, 2002: Presentation to the HPC by Peter Kitchak of the Keewaydin Group on the works of Jean Nouvel
- February 12, 2002: Presentation of proposed schematic design for the new Guthrie Theatre by the Guthrie to the DMNA
- February 14, 2002: Presentation of proposed schematic design for the new Guthrie Theatre by Planning Staff to Planning Commission Committee of the Whole.
- February 14, 2002: Presentation of proposed schematic design for the new Guthrie Theatre by the Guthrie to the Riverfront Technical Advisory Committee (TAC)
- February 19, 2002: Presentation of proposed schematic design for the new Guthrie Theatre by the Guthrie to the Minneapolis River Forum.
- March 13, 2002: Presentation of proposed schematic design for the new Guthrie Theatre by the Guthrie to the Industry Square Project Committee (ISPC)
- March 19, 2002: Presentation of proposed schematic design for the new Guthrie Theatre by the Guthrie to the HPC
- April 17, 2002: Presentation of proposed schematic design for the new Guthrie Theatre by the Guthrie to the Minneapolis Park and Recreation Board.
- June 11, 2002: Presentation of proposed schematic design for the new Guthrie Theatre by the Guthrie to the St. Anthony Falls Heritage Board
- June 13, 2002: Presentation of proposed schematic design for the new Guthrie Theatre by Planning Staff to Planning Commission Committee of the Whole.

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- September 5, 2002: CPC approval of land purchase of Parcel E in the Historic Mills District (for construction of structured parking ramp). Subsequent CPC approval of sale of air rights parcel located approximately 31'-0" above grade over the northeast portion of Parcel E for construction of Guthrie scene shop.
- October 3, 2002: Presentation of proposed schematic design for the new Guthrie Theatre by Planning Staff to Planning Commission Committee of the Whole.
- November 21, 2003: Minneapolis City Council Committee of the Whole approves the renegotiated redevelopment contract (for smaller site). Subsequent full approval by the Minneapolis City Council.
- February 18, 2003: Heritage Preservation Commission Hearing: Concept Review
- February 28, 2003: Application for concurrent review by City Planning Commission.
- March 4, 2003: Presentation of proposed completed design to the DMNA Land Use Committee
- March 11, 2003: DMNA Board action to recommend approval of requested actions by CPC
- March 12, 2003: Presentation of proposed completed design to the Industry Square Project Committee (ISPC)

### Background:

Over the last eighteen months, Planning Staff and MCDA staff have worked closely with representatives of the Guthrie in order to ensure that those bodies of appointed officials who are ultimately responsible to grant approval for the new complex would see and be able to give input into the schematic designs of the complex as it took shape. The intent was offer the Guthrie informed feedback into their design process as early as possible. This way, the Planning Commission and the Heritage Preservation Commission were afforded the opportunity to help guide the design process by evaluating the project before – *rather than after* - final design was completed and the building permit application was submitted (See above list of Previous Actions”).

Please keep in mind that such early reviews by the Planning Commission have not been customary on most projects in the past. Such reviews by the Commission are not a requirement of any City code, ordinance, or policy. Nevertheless, the Commission has repeatedly asked the Planning Director to encourage staff to bring major projects to the Committee of the Whole for preliminary review and comment. Early review of this project is only possible because Planning Staff, MCDA staff, and representatives of the Guthrie Theatre agree with the Commission that it was both useful and important to engage you in discussion about the design of this theater well prior to your review of the building permit application.

### Related projects (not included in this application):

- Chicago Avenue Plaza: In accordance with the goals of the *Update to the Historic Mill District Master Plan*, the City and MCDA intend to design and construct an outdoor plaza on the right-of-way for Chicago avenue between South 2<sup>nd</sup> Street and the West River Road. This plaza is intended to create a fully accessible pedestrian and bicycle link between the grid of Downtown Minneapolis and the new park facilities along the Central Riverfront. Moreover, it is intended to service as an outdoor threshold for both the Guthrie Theatre and the new Mills City Museum (which is scheduled to open later early next year).

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A schematic design for the plaza is underway. The City, MCDA, the Guthrie Theater, the Minnesota Historical Society (MHS) and Brighton Development Corporation have come to an understanding of the general design goals of the plaza. Specific to this application, it should be understood that the design of the plaza is intended to be such that an ordinary visitor to the plaza will not be able to clearly differentiate between that which is on the Guthrie site and that which is on the City-owned plaza. This is primarily due to the same paving material being used throughout. Currently MCDA is working with SEH, Inc. in order to nail down the grading that would be required for extension of the entire Chicago Avenue corridor from Washington to the River Road. A schematic design for the plaza is underway.

The Chicago Avenue Plaza is and will remain city right-of-way. As such it is not part of the Guthrie project per se and it is not part of this application.

- “Liner” development facing the length of the proposed extension of Chicago Avenue between Washington Avenue South, South 2<sup>nd</sup> Street. New development is programmed to include a combination of new residential and commercial spaces. In keeping with the *Update to the Historic Mills District Master Plan*, the architectural design for all ground floor spaces will be designed in such a way to accommodate retail enterprises. However, until such time that the market calls for viable retail along Chicago Avenue, these spaces could be leased or sold as live/work residential units. Liner projects will *not* be included in the Guthrie project, though sufficient space will be left on Parcel E for later development by other parties. Liner parcel is proposed to be 64-feet deep and could have underground parking that is accessible from within the adjacent parking ramp.

A Request for Proposals (RFP) for the “Liner” development facing the length of the proposed extension of Chicago Avenue is currently being drafted. This project is not part of the Guthrie project per se and it is not part of this application.

- “Liner” development facing the length of Washington Avenue between the proposed extension of Chicago Avenue and the proposed extension of Ninth Avenue South. New development is programmed to include a combination of new residential and commercial spaces. In keeping with the *Update to the Historic Mills District master Plan*, the architectural design for all ground floor spaces will be designed in such a way to accommodate retail enterprises. However, until such time that the market calls for viable retail along Washington Avenue, these spaces could be leased or sold as live/work residential units. Liner projects will *not* be included in the Guthrie project, though sufficient space will be left on Parcel E for later development by other parties. Liner parcel is proposed to be 64-feet deep and could have underground parking that is accessible from within the adjacent parking ramp.

A Request for Proposals (RFP) for the “Liner” development facing the length of the proposed extension of Washington Avenue along Parcel E is currently being drafted. This project is not part of the Guthrie project per se and it is not part of this application.

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### Project Description:

The conceptual design for the new Guthrie Theater complex was undertaken by the Atelier Jean Nouvel in Paris, France. The local partner for the project is Architectural Alliance of Minneapolis. For discussion purposes, the proposed schematic design for the Guthrie Theatre is organized in two sections (a) Building program and organization of site, and (b) Design characteristics of the theater complex.

Building program and organization of site: The Building program for the new theater complex is organized into three keys spaces: The Theater Block, Parcel E improvements, and space for future expansion. A fourth key space is the public plaza on Chicago Avenue (see above). The Chicago Avenue Plaza is and will remain city right-of-way. As such it is not part of the Guthrie project per se and it is not part of this application.

#### Theater Block:

- Lot area is approximately 90,000 square feet
- Approximately 230,000 gross square feet of construction
- Located between South 2<sup>nd</sup> Street and the West River Road and between the right-of-way of Chicago Avenue and the right-of-way of Ninth Avenue South.

Three theaters are organized around a common lobby and common access to support facilities:

- Thrust-stage theater: An interior re-creation of Ralph Rapson's historic thrust stage theater will contain approximately 1,100 seats and will be located on the west side of the theater block stretching from South 2<sup>nd</sup> Street to the West River Road along the intended Chicago Avenue plaza.
- Proscenium theater: A traditional theater designed for productions with frontal-orientation will contain approximately 700 seats and will be located on the east side of the theater block stretching from South 2<sup>nd</sup> Street to the West River Road along the Ninth Avenue right-of-way.
- Black Box theater: An informal theater designed to flexibly accommodate smaller, experimental productions will contain approximately 250 seats and will be located at the top of the Theater Block above the proscenium theater.

The three theaters in the complex will all be served from a common, multi-level public lobby that runs through the center of the building in a north-south direction from South 2<sup>nd</sup> Street to the West River Road. The lower portion of the lobby is directly accessible from South 2<sup>nd</sup> Street and the intended public plaza to be built on the Chicago Avenue right-of-way.

The upper portion of the lobby sits between the thrust-stage theater and the proscenium theater. It is integrally extended onto a combination bridge/promontory which projects approximately 150-feet from the north elevation of the building across the West River Road to hover approximately 50-feet above the tree tops on along the Mississippi River.

Ground floor spaces under the thrust-stage theater will contain a bistro-style restaurant, theater box office, and a tourist office to be run by the Minneapolis Park and Recreation Board. All of these spaces will be directly accessible from the intended plaza on the Chicago Avenue right-of-

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way. Rehearsal rooms are located on the east side of the ground floor underneath the proscenium theater.

Theater offices will be located on the 3<sup>rd</sup> floor over the thrust-stage and proscenium theaters.

A loading dock/elevator will be located on the southeast corner of the theater block and will be accessible from the Ninth Avenue right-of-way. This elevator will allow a semi-truck to be lifted from street level to the staging areas behind the thrust-stage and proscenium theaters.

Three kinds of signage are proposed for the project:

- Three graphic wall murals that are integrated into the building materials used for building facades (see Variance below)
- Eleven wall panels signs (see Variance below)
- Three standing pylon roof signs; two on the theater block; one on the scene shop over the parking ramp (The applicant has waived the sixty day rule for hearings on these signs. Application for these signs is not included in the scheduled upcoming hearing)

### Parcel E Improvements:

- Full block lot area is approximately 108,000 square feet
- Located between Washington Avenue South, South 2<sup>nd</sup> Street, the proposed extension of Chicago Avenue and the proposed extension of North Avenue South

The proposed development of Parcel E includes five major components (only two of which are considered part of this application):

- Scene shop for the Guthrie Theater located approximately 24-feet above grade on the northern most portion of the third floor of the parking ramp and accessible to the backstage area of the Theater Block by one non-public, service-only skyway known as the production link.
- A one-bay loading facility to serve the scene shop above) located on the northern most portion of the ground floor of the parking ramp. Loading facility is accessed from the proposed extension of North Avenue South.
- *Please note:* A one-thousand-and-two (1,002) stall parking structure will be built by the Guthrie Theater on behalf of the City of Minneapolis. This structure will accommodate 377 cars below grade and 625 cars above-grade. The proposed parking ramp is designed to incorporate an air rights development parcel for the Guthrie scene shop, (see below). It is also designed so that parking floors are parallel to the ground plane on both street elevations. Parking ramp will be designed to allow for future incorporation of underground parking for liner development parcels along Chicago Avenue and Washington Avenue (The parking ramp is part of a separate application, #BZZ-1092).
- “Liner” development facing the length of the proposed extension of Chicago Avenue (Liner development is not part of this application).
- “Liner” development facing the length of Washington Avenue. (Liner development is not part of this application).

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Expansion space:

The Guthrie Theatre intends to hold the parcel of land down-river from the proposed Theater block for future expansion (between the Ninth and Tenth Avenue Rights of Way). Specific proposals for this site have not been made as it is not yet clear if, when, and how the Guthrie would need to expand.

**Intended Project Schedule:**

April/May 2003:	All required pre-construction approvals granted
May 2003:	Anticipated State approval of grant in 2003 legislative session (ends late May)
June 2003:	Guthrie buys MCDA-owned parcel on north side of South 2 <sup>nd</sup> Street. McGough Construction begins construction of Theater block.
January/Feb. 2004:	City acquires HCRRRA parcel (Parcel E). McGough begins construction of parking ramp/scene shop.
Spring/Summer 2005:	Construction of Ninth Avenue South (Chicago Ave. extension to be built in conjunction with Parcel D in the summer of 2004 or 2005; must be done by time Guthrie opens)
Fall 2005	Theater, scene shop, and parking ramp fundamentally complete.
Winter 2006	Guthrie occupies theater building and scene shop. Commissioning of theater.
May 7, 2006	Theater opens to public.
Spring 2006:	Curtain rise on first show in the new Theater complex

**Neighborhood Review:**

The site for the Guthrie Theater Complex is located in the Downtown East neighborhood of the Central Community. Because there has been almost no resident population in this part of the city for decades, there is no chartered neighborhood group specifically for Downtown East. However, in recent years, new residents in this part of Downtown have been invited to meetings of the Downtown Minneapolis Neighborhood Association (DMNA) which is the charter neighborhood group for Downtown East.

- The applicant has met with the Downtown Minneapolis Neighborhood Association (DMNA). In a letter dated March 10, 2003, from Christie Rock, DMNA Coordinator, the neighborhood supports the project. See Appendix C.

The Industry Square Project Committee (ISPC) was established by the MCDA in 1973 as the advisory committee for the Industry Square Redevelopment Project. This group currently includes 21 members representing neighborhood residents, businesses and property owners within the Industry Square area, plus a mailing list of other interested persons. Most of Downtown East and a small portion of Downtown West is included within the Industry Square area as designated by the MCDA Board of Commissioners.

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- The applicant presented the project to the Industry Square Project Committee (ISPC) on March 13, 2002. In a letter dated April 2, 2003, from Tom Daniel, MCDA, Committee Coordinator, the ISPC indicated their support of the project. See Appendix D.

### **CONDITIONAL USE PERMIT – for an indoor theater**

#### **Findings as Required by the Minneapolis Zoning Code for the Conditional Use Permit for the Use:**

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The Planning Department does not believe that an indoor theater should be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

In August of 2001, the *Update to the Historic Mills District Plan* was adopted by the City Planning Commission and subsequently by the full City Council as small area plan to be used in conjunction with Downtown 2010. The site for the new Guthrie Theatre is included within the geographic boundaries defined in the *Update to the Historic Mills District Plan*. The *Update Plan* was initiated in large part because the City Council and the Guthrie Theatre proposed the construction of a new theater facility on the Central Riverfront.

Planning staff believes that this development will anchor the creation of a new mixed-use neighborhood of the Central Riverfront in a large swath of former industrial lands that have for many years been underutilized as surface parking lots. The Guthrie Theater project is at the very heart of the creation of a new cultural/recreational, residential, commercial neighborhood in this corner of Downtown Minneapolis. As such the project will encourage and strengthen the existing development in the neighborhood. More importantly, it will serve as a major catalyst for new development in both the Historic Mills District and in Downtown East more generally.

The Planning Department does not believe that an indoor theater should be injurious to the use and enjoyment of other properties in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

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### **3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The applicant has been and will continue to work closely with the Public Works Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

### **4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The applicant has been and will continue to work closely with the Public Works Department and the Planning Department to ensure that all pedestrian, bicycle, and vehicular traffic in and around the public right-of-way will be handled in the best way possible

For further analysis, please see the “Access and Circulation” section of Site Plan Review, below.

### **5. Is consistent with the applicable policies of the comprehensive plan.**

The following is an analysis that includes a series of statements concerning how the construction of a new Guthrie Theatre along the Central Riverfront in Downtown Minneapolis complies with the City’s Comprehensive Plan.

#### Compliance with *Minneapolis Downtown 2010*:

*Entertainment:* The new Guthrie Theatre is a significant contribution toward the stated goal of enhancing Downtown as “the region’s entertainment and cultural capital.” Specifically, the Guthrie Theatre is an addition that will “fill out the kind and number of attractions... in order to broaden [Downtown’s] appeal as an entertainment and shopping destination.” In accordance with the entertainment chapter of *Downtown 2010*, the new Guthrie Theatre will “Broaden downtown’s entertainment options to include additional family-oriented attractions that complement retail and that can be frequented with minimal preplanning.” In addition, the new theater will “Encourage restaurants in other areas of downtown [beyond the defined Entertainment District].”

*Education:* Because the Guthrie intends to include a major educational component in its programming, the construction of a new theater within Downtown reinforces the stated goal to “Encourage the growth of educational uses in order to complement other downtown functions and to enhance downtown as a cultural center.” In conjunction with the Park Board’s construction of the Mills Ruin Park and the Minnesota Historical Society’s Mill City Museum, the new Guthrie will “encourage educational and other public institutions to share resources and provide services effectively.”

*Management:* The construction of a new Guthrie Theatre within Downtown reinforces the stated goal to “Retain Downtown’s status as the symbolic center for the city and metropolitan area.”

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*Downtown Physical Setting:* The theater is that it will serve as one of a number of catalysts for reconnecting Downtown with the Central Riverfront. Specifically, the theater will encourage completion of the following goal: “Improve physical and visual access to the riverfront: The riverfront is Downtown’s largest open space and cultural amenity. The riverfront includes the West River Parkway, Stone Arch Bridge and various historic mills and warehouses that represent the City’s past and economic roots. Currently, the large area of cleared land acts as a barrier between the riverfront and Downtown. The remoteness of the river can be alleviated as adjacent properties are developed by extending the street grid to the parkway to connect this important resource to the rest of Downtown.”

While the vehicular connections of Chicago Avenue and Ninth Avenue South to the West River Road have been discouraged and made difficult to implement because of Park Board objectives related to the West River Road the Park. However, the design of the proposed theater complex is much more compact and much more “urban” in feel and character that what many had earlier expected. Because the proposed design straddles South 2<sup>nd</sup> Street –as opposed to stretching down the river - it more closely ties the project to the existing and intended fabric of Downtown. Likewise, the proposed design of the project protects important view corridors to the River. While good pedestrian and bicycle access is intended from the city street grid to the river through the Chicago Avenue Plaza, significant Improvements should be made to the same sort of connections through the private property in what would be the extension of the Ninth Avenue right-of-way.

### Former issues of non-compliance with *Minneapolis Downtown 2010*:

*Minneapolis Downtown 2010* did not anticipate the construction of a theater in this part of Downtown Minneapolis and so – strictly speaking – the *location* of the new theater facility is not in compliance with the City’s comprehensive plan.

*Location outside of designated Entertainment District:* *Downtown 2010* designates “The area along Hennepin Avenue between 5th and 10th Streets and the Warehouse District as downtown’s Entertainment District.” It goes on to say that “Entertainment and specialty retail uses should be the primary uses at the street and skyway levels. This is especially true for uses that are unique to downtown and the region. Above the street and skyway levels, encourage office and hotel uses.”

*Location within a designated Residential District:* *Downtown 2010* states “Locate medium to high-density housing in areas designated as a Riverfront Residential District located adjacent to and near the West River Parkway. This district should provide locations for housing that can take advantage of the open space and recreational amenities of the riverfront.” However, *Downtown 2010* goes on to say that while the primary use of this district should be housing, “Other retail, office, cultural and recreational uses should be encouraged, especially those that revitalize historic structures, but should be compatible with housing.”

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### Overall Evaluation of Compliance with Minneapolis Downtown 2010:

Based on the policies noted above, the overall *intent* of the new theater facility (as well as the level and kind of proposed activities that will be generated by its presence) is in compliance with the goals of the City's comprehensive plan.

In addition, the *Update to the Historic Mills District Plan* was initiated in large part because the Guthrie Theatre intends to move to the Central Riverfront. Once the Update was adopted by the Planning Commission and the City Council, the location of the Guthrie Theatre became – for all intents and purposes – a policy amendment to *Downtown 2010*.

Finally, both the Minneapolis City Planning Commission and the Minneapolis City Council have previously approved the rezoning of portions of the Guthrie parcel in order to create a single parcel with the C3a district. As such, any former issues concerning the location of the theater complex in relation to the City's Comprehensive Plan, have already been formally addressed and approved by Minneapolis City Planning Commission and the Minneapolis City Council.

### **6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

In August of 2001, the *Update to the Historic Mills District Plan* was adopted by the City Planning Commission and subsequently by the full City Council as small area plan to be used in conjunction with Downtown 2010. The site for the new Guthrie Theatre is included within the geographic boundaries defined in the *Update to the Historic Mills District Plan*. (The *Update Plan* was initiated in large part because the City Council and the Guthrie Theatre proposed the construction of a new theater facility on the Central Riverfront.)

The *Update to the Historic Mills District Plan* was written in anticipation of the construction of the Guthrie Theatre of the Central Riverfront. The document put forth five “design Principles for the Guthrie Theater Complex.” Those principles are as follows:

- Minimum Required Set Backs from public right-of-way (Figure 24): An element of the future design, not necessarily structural, should attempt to frame the view looking up Chicago Avenue to the river. The building's west façade should define the plaza so that in conjunction with the Washburn A Mill, the view to the river is adequately framed.
- Parking Access (Figure 25): Parking access is not permitted along West River Parkway and will not be possible on the Chicago Avenue side of the building if a plaza is built. Parking access is possible on 2<sup>nd</sup> Street South but must not create conflicts with pedestrian movements or create traffic jams.
- Primary Pedestrian Entry Points (Figure 26): The Plaza, 9<sup>th</sup> Avenue, and 10<sup>th</sup> Avenue. Note that additional secondary entry points elsewhere are acceptable.
- The site has four distinct addresses (Figure 27): Park (north), Urban (south), Service (east), and Plaza (west). The Park, Urban and Plaza addresses should complement adjacent uses by having active uses that are visible from the street.

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- Pedestrian Access (Figure 28) must be accommodated along the entire perimeter of the site.

The “Design Goals” section of the *Update to the Historic Mills District Master Plan* is attached to this staff report as Appendix I.

For further analysis on compliance with the “Design Goals” section of the *Update to the Historic Mills District Master Plan*, please see the Site Plan Review, below.

### **RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the Conditional Use Permit application for an indoor theater located at 802, 812 and 900 Second Street South.

### **CONDITIONAL USE PERMIT – to increase the maximum allowed height of an indoor theater from 4 stories or 56 feet to 10 stories or 168 feet**

#### **Findings as Required by the Minneapolis Zoning Code for the Conditional Use Permit for the Use:**

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The Planning Department does not believe that an indoor theater should be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The proposed building is ten (10) stories or one-hundred-sixty-eight (168) feet in height. The tallest roof of the proposed theater will be slightly lower than the adjacent Washburn Crosby Mill. The site of the theater building is located in the Downtown Height Overlay District (DH) which states that the maximum height of all principal structures (that are not located between Washington avenue and South 2<sup>nd</sup> Street) shall be six stories or eighty-four feet in height, whichever is less. However, the height of a principal structure can be increased based on the following standards:

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### *Access to light and air of surrounding properties:*

Allowing an increase in height for the Guthrie will not deprive surrounding properties of light and air.

### *Shadowing of residential properties or significant public spaces:*

Because the theater is located at the northern edge of the built-up area of Downtown, it will not cast significant shadows on surrounding buildings for any prolonged period of the day. It should be noted that because the massing of the building has been broken into a series of volumes, it will not cast significant shadows on surrounding public spaces for any prolonged period of the day. Furthermore, the design enhancements that connect the building with the intended Chicago Avenue plaza. This plaza will be in full sunlight in the afternoon and evening hours which will make it an ideal location for pre-show gatherings during the more temperate times of the year.

### *The scale and character of surrounding uses:*

The overall intent of the conceptual design for the new Guthrie complex is to create modern forms that are inspired by the industrial-age and are in keeping with turn-of-the-century mills found nearby. The scale and massing of the proposed design is based on, closely resembles, and therefore complements the scale and massing of the adjacent historic mill buildings. The complex has a varied combination of both rectangular and curvilinear masses that are combined to achieve the dual aims of (a) achieving prominence on the city skyline and (b) creating a more human-scaled environment than that which existed on neighborhood streets.

The walls of the building have been broken up into smaller sections through the use of varying masses, rooflines, and projections. Because the massing of the building has been broken into a series of volumes, it will not overwhelm surrounding structures nor will it take away from the scale and character of surrounding uses.

### *Preservation of views of landmark buildings, significant open spaces or water bodies:*

The final design of the theater complex does not block views of important elements within the city. It is considered an asset by Planning Staff that the design of the complex enhances existing views and creates new views of important elements in the City.

This site is located in a historic district. This project has been reviewed several times by the Heritage Preservation Commission (HPC) (see "Previous Actions" on pages 2 and 3 of this report). The public hearing for the HPC Certificate of Appropriateness is scheduled for May 13, 2003.

The Planning Department does not believe that increasing the height of the indoor theater should be injurious to the use and enjoyment of other properties in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

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For further analysis, please see the “Building Placement and Façade” section of Site Plan Review, below.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The applicant has been and will continue to work closely with the Public Works Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The applicant has been and will continue to work closely with the Public Works Department and the Planning Department to ensure that all pedestrian, bicycle, and vehicular traffic in and around the public right-of-way will be handled in the best way possible

For further analysis, please see the “Access and Circulation” section of Site Plan Review, below.

**5. Is consistent with the applicable policies of the comprehensive plan.**

See analysis in Section 5 of the Conditional Use Permit for the indoor theater, above.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

With the approval of the Conditional Use Permits, Parking Variance, Sign Variances, Major Site Plan Review, Preliminary Plat, Air-Rights Vacation and Travel Demand Management Plan this development will meet the requirements of the C3a zoning district.

**RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the Conditional Use Permit application to increase the maximum allowed height of an indoor theater from 4 stories or 56 feet to 10 stories or 168 feet located at 802 and 812 South Second Street.

**SITE PLAN REVIEW**

**Findings as Required by the Minneapolis Zoning Code:**

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is**

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consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)

- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND FAÇADE**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
  - Residential uses shall be subject to section 530.110 (b) (1).
  - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

**PLANNING DEPARTMENT RESPONSE**

*Conceptual Design Framework:* The overall intent of the conceptual design for the new Guthrie complex is to create modern forms that are inspired by the industrial-age and are in keeping with turn-of-the-century mills found nearby. The combination of metal forms, perforated stainless steel, and layered glass are intended to capture the various qualities of light at different times of the day and the year. However, rather than simply reflecting these qualities, the design of the combination of form and materials of the building complex is intended to create an ethereal quality of buildings that glows from within, thus accentuating the surrounding atmospheric conditions.

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*Siting, scale, and massing:* Until Atelier Jean Nouvel (JNA) proposed the schematic design for the Theater complex in February 2002, it was assumed that the complex would stretch along the West River Road over a site that was three city blocks long. Instead JNA's proposed a complex that is much more compact and much more "urban" in feel and character than what many had earlier expected. Because the proposed design straddles South 2<sup>nd</sup> Street, it more closely ties the project to the existing and intended fabric of Downtown. Likewise, the proposed design offered a better opportunity to integrate the functional and aesthetic design of the Parcel E parking ramp.

- The compact footprint of the theater complex maintains the view corridors and visual connection between the downtown street grid and the river valley along the Central Riverfront.
- The scale and massing of the proposed design is based on, closely resembles, and therefore complements the scale and massing of the adjacent historic mill buildings. The complex has a varied combination of both rectangular and curvilinear masses that are combined to achieve the dual aims of (a) achieving prominence on the city skyline and (b) creating a more human-scaled environment than that which existed on neighborhood streets.
- Overall height of the complex is 166' top of tower (slightly lower than nearby flour mills). This development is proposed to be a ten-story building at its tallest point.
- The walls of the building have been broken up into smaller sections through the use of varying masses, rooflines, and projections.
- The theater building reinforces the street walls along South 2<sup>nd</sup> Street, Chicago Avenue, and Ninth Avenue South. It allows for natural surveillance and facilitates pedestrian access. The building is set close to the property lines on three sides.

*Building Materials, fenestration and aesthetic treatments:* While the building materials used for the facades of the building are intended to recognize the former industrial character of the district, the sensitive use of these materials in the aesthetic treatments sets the building apart from its neighbors and firmly establishes the more contemporary direction of the neighborhood as a cultural destination.

The building is clad primarily in metal and glass. However, the design for the building is highly inventive in that it integrates the aesthetic and functional design while simultaneously blurring the assumed destinations between traditional building forms.

The stainless steel metal cladding of the exterior is deliberately intended to "act" differently in at different times of the day and night and throughout the different seasons of the year. The metal cladding will be etched with selected photographs and images that depict pivotal stage moments in the Guthrie's history. The etching will render the images through a combination of gray and blue surfaces. The combination of blue and gray color, matte and polished finish will enable the building surface to catch light in different ways. Because the quality of natural light is highly variable over different intervals of time, the way these etched panels respond to the light – or the lack of light – will breathe life into the images on the panels. As such, the façades of the theater are intended to appear as if they are ever changing; in a constant slow-moving process of both evolution and recollection. For example, the direct noontime sun in the summer will show a part of an image that might otherwise fade in the general gray light of an overcast day. Likewise some parts of the same image may completely disappear at night when the sky is dark –

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particularly at times when other images or parts of images on the façade will be spotlighted so that specific attention is called to them.

There are multiple different window types; the collection varies by shape, size, and translucency. While some windows are completely translucent, others are screened in a manner that allows them to function in specific ways at various times of the day or night. For instance, the windows at street level are all meant to be transparent between the interior and exterior of the building. Above the second floor, some windows are meant to be used too look out of (but not into) the building, while others are meant to punctuate the night sky while remaining relatively undifferentiated during the daytime hours.

*Visibility into building at ground level:* In accordance with the design goals adopted by the Planning Commission and the City Council in their approval of the *Update to the Historic Mills District Master Plan* (in September 2001), the design of the building must respect that the site has four distinct addresses and that the park, plaza, and “urban” entrances must “complement adjacent uses by having active uses which are visible form the street.

There are large windows that people can see into and out of at all levels of the building, but particularly at selected locations along the ground level. The percentage of windows required for the first floor on the three sides of the building that face a public street is at least twenty (20) percent.

- Restaurant: The restaurant space on the west side of the ground floor will have excellent visual connections with South 2<sup>nd</sup> Street, the Chicago Avenue plaza and the West River Road.
- Lobby: The lobby space penetrates through the building in a north-south direction of the ground, third, and fourth floors of the theater building. On the ground floor, the lobby will have excellent visual connections with South 2<sup>nd</sup> Street and the West River Road.

There are two opportunities, however, for the design of the building to better engage the surrounding neighborhood by creating better visual connections between the inside and the outside of the building. These opportunities have been proposed by Planing staff as a means to put a more friendly face on a building type which by its nature creates a disconnect between the real world of the city streets and the “created” world on a theater’s stages.

Planning staff has argued that one of the chief ways to integrate a theater building (which is typically inward looking) with an intended neighborhood that will have street-level residential and commercial uses is to make some of the internal workings of the theater more visible to passersby so that the neighborhood can enjoy their proximity to the theater without actually purchasing a ticket.

- Practice spaces: While the rehearsal halls on the northwest corner of the building have windows facing the service court on the east and/or the West River Road on the north, these windows are generally inaccessible to passing pedestrians.
- Loading dock: Planning staff has suggested that windows might be opened up in the south façade of the theater building at the loading dock. This loading dock is actually an elevator that transports an entire semi-trailer from the ground level to the backstage areas on the second floor. Being able to watch trucks (or some portion of the trucks) being raised and lowered on the elevator is the kind of thing that would add some informal

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“theater” to the neighborhood streetlife. The Guthrie design team has declined to follow up on this suggestion.

The bridge/promontory that extends over the West River Road will have a series of “postcard” windows. These windows are intended to frame specific exterior views from the bridge and to carefully proportion the amount of glass so that nighttime visitors to the theater can actually see out the window (as opposed to seeing only their own reflection in an otherwise expansive sea of glass).

### **ACCESS AND CIRCULATION**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

### **PLANNING DEPARTMENT RESPONSE**

#### *Pedestrian access/egress:*

- The primary pedestrian entrance to the theater complex is located on South 2<sup>nd</sup> Street immediately under the production link with the scene shop across the street.
- Two secondary public entrances are located on the west façade of the complex giving access to and from the intended Chicago Avenue Plaza. A third secondary entrance is located on West River Road immediately under the “bridge” that extends over the River Road.
- The Public Works Department has agreed to allow a mid-block pedestrian crosswalk to be installed on South 2<sup>nd</sup> Street mid-block between the extension of Chicago Avenue and Ninth Avenue South. This crosswalk is intended to facilitate direct access between the primary pedestrian entrance to the Theater block and the primary entrance to the parking ramp on Parcel E. (This crosswalk is in lieu of an underground pedestrian connection between the two facilities.) However, in order to mediate pedestrian/vehicular conflict the stretch of South 2<sup>nd</sup> Street between Chicago and the mid-block crosswalk Public works has determined that a neckdown of South 2<sup>nd</sup> Street must be accomplished by adding two bump-outs, one on either side of South 2<sup>nd</sup> Street at the mid-block crosswalk. These bump outs will create better sightlines for pedestrians and motorists and therefore a higher level of pedestrian safety.
- Planning staff has repeatedly asked the applicant to provide a higher level of clarity/amenity for pedestrians that will inevitable move through this service court to connect between the city and the River Road. It is presumed that these pedestrians and bicyclists would most likely not be stopping at the theater complex but would use the private land in the extension of the Ninth Ave. right-of-way to make this obvious connection. The Guthrie has made two

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efforts to improve this situation: (a) the transformer vault that is located immediately east of the loading dock entrance was sunken to a below ground vault so that it will be visible from the street; nor will it block the view corridor up new Ninth Avenue to the river valley. (b) the Guthrie has placed a sidewalk on the east side of the building. However in previous drawings, this sidewalk has extended to and around the north face of the building tops that it connects with the pedestrian path under the “bridge.” Staff considers the current design insufficient and put the applicant on notice of such several months ago. Staff recommends that the design of the service court and the surrounding areas on the east side of the building should be modified to create a safe, high-visibility pedestrian connection to from South 2<sup>nd</sup> Street to the West river Road on the east side of the building. As with any other downtown sidewalks, this connection must be designed in order to ensure maximum visibility for the cross-over of pedestrians/bicyclists and trucks that are coming and going to and from the loading dock. (It is understood that at such time when trucks are parked and loading/unloading at this location they may be blocking the pedestrian/bicycle connection.

### *Vehicular Access/Egress:*

- A bus drop-off/loading zone is intended in front of the Theater (and the Chicago Avenue Plaza) on the north side of South 2<sup>nd</sup> Street.
- The loading dock on the east side of the theater building will be used for loading and loading pre-built stage sets (as opposed to raw materials). The service court for this loading dock is designed to accommodate off-street maneuvers for semi-trailer trucks.
- The service court includes 15 surface spaces for vehicle parking. During the renegotiation of the redevelopment agreement in the Fall of 2002, provision of these fifteen spaces was considered a compromise solution for the overall eliminating (by the applicant) for a surface parking lot of 150 spaces which had been intended by the applicant on the expansion parcel immediately east of the theaters complex. At that time, the Planning Commission’s Executive Committee indicated that this solution would be considered an acceptable compromise.

### **LANDSCAPING AND SCREENING**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**

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- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

### **PLANNING DEPARTMENT RESPONSE**

The composition and location of landscaped areas complement the scale of the theater building and its surroundings. In particular, the landscape plan indicates a more urban feel to the plantings on the 2<sup>nd</sup> Street side of the site. Street trees will be planted at regular intervals on the north side of South 2<sup>nd</sup> Street between the extensions of the Ninth and Tenth Avenue rights-of-way. Likewise, the River Road side of the complex includes plantings that are less regular and more in keeping with the irregular pattern of natural landscape of the river bluffs.

At least twenty (20) percent of the site for the theater building (that portion that is not otherwise occupied by the theater building) is landscaped as specified in section 530.150 (a). However, the landscape plans for the expansion parcel between the extensions of the Ninth and Tenth Avenue rights-of-way do not show an adequate number of trees. The landscape plan must be updated to conform to the requirements as specified in section 530.150 (a). In particular, it is important to add landscaping that screens the service court from the east.

One of the key principals of the *Historic Mills District Master Plan* and the subsequent update to that plan calls for “extending the downtown street grid to the river” and creating “fingers of green” that help tie the central riverfront to the grid of the city both visually and functionally (See Appendix H). For this reason, Planning staff maintains that it would be detrimental to require screening of the service court on the east side of the theater building. In this special

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condition, it is a benefit to the City that the theater was not designed to intrude on this view corridor. However, Planning staff maintains that a better functional connection should be made for pedestrians and bicyclist connecting between South 2<sup>nd</sup> Street and the West River Road along the extension of the Ninth Avenue right-of-way.

The Guthrie has maintained that this is private property and they do not wish to encourage pedestrian and bicycle traffic through their property. Planning staff has argued that if this project was not in this particular location, screening of the loading dock and service court would be absolutely required. However, the case for this exception is considerably weakened if the Guthrie falls short of fully meeting the potential of this particular goal as stated in the Mills District Plan.

### **ADDITIONAL STANDARDS**

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

### **PLANNING DEPARTMENT RESPONSE**

- A lighting plan was not submitted as part of this development. A lighting plan that meets compliance of comply with the requirements of Chapter 535 and Chapter 541 must be submitted prior to sign-off of final plans.
- As noted above, the final design of the theater complex does the development does not block views of important elements within the city. It is considered an asset by Planning Staff that in most cases, the design of the complex enhances existing views and creates new views of important elements in the City.
- The theater buildings is located and arranged in such a way as to minimize shadowing on public spaces and adjacent properties. Of particular note is the design enhancements that connect the building with the intended Chicago Avenue plaza. This plaza will be in full sunlight in the afternoon and evening hours which will make it an ideal location for pre-show gatherings during the more temperate times of the year.
- This site is located in a historic district. This project is has been reviewed several times by the Heritage Preservation Commission (HPC) (see "Previous Actions" on pages 2 and 3 of this report). The public hearing for the HPC Certificate of Appropriateness is scheduled for May 13, 2003.

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**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

**ZONING CODE**

With the approval of the Conditional Use Permits, Parking Variance, Sign Variances, Major Site Plan Review, Preliminary Plat, Air-Rights Vacation and Travel Demand Management Plan this development will meet the requirements of the C3a zoning district.

**DOWNTOWN 2010 PLAN**

See analysis in Section 5 of the Conditional Use Permit for the indoor theater, above.

**Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

In August of 2001, the *Update to the Historic Mills District Plan* was adopted by the City Planning Commission and subsequently by the full City Council as small area plan to be used in conjunction with Downtown 2010. The site for the new Guthrie Theatre is included within the geographic boundaries defined in the *Update to the Historic Mills District Plan*. (The *Update Plan* was initiated in large part because the City Council and the Guthrie Theatre proposed the construction of a new theater facility on the Central Riverfront.)

The *Update to the Historic Mills District Plan* was written in anticipation of the construction of the Guthrie Theatre of the Central Riverfront . The document put forth five “Design Principles for the Guthrie Theater Complex.” Those principles are as follows:

- Minimum Required Set Backs from public right-of-way (Figure 24): An element of the future design, not necessarily structural, should attempt to frame the view looking up Chicago Avenue to the river. The building’s west façade should define the plaza so that in conjunction with the Washburn A Mill, the view to the river is adequately framed.
- Parking Access (Figure 25): Parking access is not permitted along West River Parkway and will not be possible on the Chicago Avenue side of the building if a plaza is built. Parking access is possible on 2<sup>nd</sup> Street South but must not create conflicts with pedestrian movements or create traffic jams.
- Primary Pedestrian Entry Points (Figure 26): The Plaza, 9<sup>th</sup> Avenue, and 10<sup>th</sup> Avenue. Note that additional secondary entry points elsewhere are acceptable.
- The site has four distinct addresses (Figure 27): Park (north), Urban (south), Service (east), and Plaza (west). The Park, Urban and Plaza addresses should complement adjacent uses by having active uses which are visible from the street.
- Pedestrian Access (Figure 28) must be accommodated along the entire perimeter of the site.

The “Design Goals” section of the *Update to the Historic Mills District Master Plan* is attached to this staff report as Appendix I.

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For further analysis on compliance with the “Design Goals” section of the *Update to the Historic Mills District Master Plan*, please see the Site Plan Review, above.

**ALTERNATIVE COMPLIANCE**

The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

**PLANNING DEPARTMENT RESPONSE**

Alternative compliance is not warranted for this site.

**RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for an indoor theater at 802, 812, and 900 South 2<sup>nd</sup> Street subject to the following conditions:

1. Review and Approval of the Travel Demand Management Plan by Planning staff and Public Works staff
2. Improved site design to create visually readable and functional pedestrian and bicycle connection along the extension of the Ninth Avenue view corridor through the service court on the east side of the theater building.
3. A neckdown of South 2<sup>nd</sup> Street must be accomplished by adding two bump-outs, one on either side of South 2<sup>nd</sup> Street at the mid-block crosswalk.
4. The Planning Department shall approve the final site and elevations.
5. The landscaping plan shall be reviewed and approved by the City’s Landscaping Consultant. The Planning Department shall approve the landscape plans.
6. The Planning Department shall approve the final lighting plan.
7. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.
8. All site improvements shall be completed by May 7, 2006, or the permit may be revoked for non-compliance.

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9. The applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before building permits are issued, or the permit may be revoked for non-compliance.

### **CONDITIONAL USE PERMIT – to allow for a 15-stall accessory surface parking lot**

#### **Findings as Required by the Minneapolis Zoning Code for the Conditional Use Permit for the Use:**

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

##### **1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The service court on the east side of the theater building includes 15 surface spaces for vehicle parking.

During the renegotiation of the redevelopment agreement in the Fall of 2002, provision of these fifteen spaces was considered a compromise solution for the overall elimination (by the applicant) of a surface parking lot of 150 spaces. (The 150 space surface lot had been intended by the applicant on the expansion parcel immediately east of the theater complex). At the time the redevelopment agreement was renegotiated, the Planning Commission's Executive Committee indicated that this solution would be considered an acceptable compromise.

Though the Planning Department does not support surface parking (particularly within the Downtown parking Overlay), it recognizes the delicate balancing required in renegotiation of the Redevelopment Agreement and concludes that so long as the intended parking in the service court is limited to no more than fifteen (15) stalls, these spaces will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

##### **2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

One of the key principles of the Historic Mills District master plan and the subsequent update to the plan calls for "extending the downtown street grid to the river" and creating "fingers of green" that help tie the central riverfront to the grid of the city both visually and functionally (See Appendix H). For this reason, Planning staff maintains that it would be detrimental to require full screening of the service court and parking stalls on the east side of the theater building. In this special condition, it is a benefit to the City that the theater was not designed to intrude on this view corridor. However, Planning staff maintains that it is important to add landscaping that screens the service court from the east.

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Though the Planning Department does not support surface parking (particularly within the Downtown parking Overlay), it recognizes the delicate balancing required in renegotiation of the Redevelopment Agreement and concludes that so long as the intended parking in the service court is limited to no more than fifteen (15) stalls, and so long as landscaping is added to screen the service court from the east, these spaces will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

### **3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The applicant has been and will continue to work closely with the Public Works Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

### **4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The applicant has been and will continue to work closely with the Public Works Department and the Planning Department to ensure that all pedestrian, bicycle, and vehicular traffic in and around the public right-of-way will be handled in the best way possible

For further analysis, please see the “Access and Circulation” section of Site Plan Review, below.

### **5. Is consistent with the applicable policies of the comprehensive plan.**

See analysis in Section 5 of the Conditional Use Permit for the indoor theater, above.

### **6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

With the approval of the Conditional Use Permits, Parking Variance, Sign Variances, Major Site Plan Review, Preliminary Plat, Air-Rights Vacation and Travel Demand Management Plan this development will meet the requirements of the C3a zoning district.

## **RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the Conditional Use Permit application to allow for a 15-stall accessory surface parking lot located at 802, 812 and 900 Second Street South subject to the following conditions:

1. Review and Approval of the Travel Demand Management Plan by Planning staff and Public Works staff
2. Improved site design to create visually readable and functional pedestrian and bicycle connection along the extension of the Ninth Avenue view corridor through the service court on the east side of the theater building.

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3. The intended parking in the service court is limited to no more than fifteen (15) stalls.
4. Landscaping shall be added to screen the service court from the east.

### **VARIANCE - to reduce the minimum parking requirement from 709 spaces to 15 spaces**

#### **Findings as Required by the Minneapolis Zoning Code for the Variance:**

**The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Parking Reduction:** The applicant is seeking a variance to reduce the minimum parking requirement from 709 spaces to 15 spaces.

Until Atelier Jean Nouvel (JNA) proposed the schematic design for the Theater complex in February 2002, it was assumed that the Guthrie Theater complex would stretch along the West River Road over a site that was three city blocks long. Instead JNA's proposed a complex that is much more compact and much more "urban" in feel and character than what many had earlier expected. The design proposed by JNA in February 2002 called for the construction of two separate parking facilities:

- A 400-stall underground parking ramp located below the Theater Block. This facility was to have been built by the Guthrie Theater and operated by the City of Minneapolis.
- A 600 stall above-ground structured parking ramp built and operated by the City of Minneapolis on the northeast portion of Parcel E (which incorporates an air rights development parcel for the Guthrie scene shop).

As design of the project proceeded and further research was done, it was determined that the footprint of the Parcel E lot specified for the 600 car ramp would actually accommodate parking for all 1000 cars in a single ramp. This structure will accommodate 377 cars below grade and 625 cars above-grade. Combining the two intended facilities into one has four important benefits:

- Constructing one ramp instead of two allows for up front savings in the design and construction budgets for both the Guthrie and the City
- Operating one ramp instead of two makes more sense for the City.
- Eliminating the intended ramp under the theater complex (and integrating those spaces into the Parcel E ramp) allows for better traffic management in and around the theater.
- Because of the theater site's topography and underlying geological conditions, eliminating the intended ramp under the theater complex (and integrating those spaces into the Parcel E ramp) allowed the Guthrie's architects to create a better connection between the ground floor of the theater and the intended Chicago Avenue Plaza.

The proposed parking facility will be screened on two sides by the eventual liner development on the west and south sides of the block. Furthermore, the Guthrie agreed to integrate the design for the north and east facades of the ramp with the theater building across South 2<sup>nd</sup> Street, the height and scale of the ramp can be more easily integrated into the existing and intended fabric of the surrounding neighborhood.

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**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Because of the theater site's topography and underlying geological conditions, eliminating the intended ramp under the theater complex (and integrating those spaces into the Parcel E ramp) allowed the Guthrie's architects to create a better connection between the ground floor of the theater and the intended Chicago Avenue Plaza.

**The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

*Parking Reduction:* Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. The Minneapolis Public Works Department has been integral to the design of this facility. In addition, this variance will not have any implications on adjacent properties or residents of the neighborhood.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

*Parking Reduction:* Granting the variance will not increase activity in the public streets and further than if two separate parking ramps had been built across the street from one another. Eliminating the intended ramp under the theater complex (and integrating those spaces into the Parcel E ramp) allows for better traffic management in and around the theater. The proposed variance should not substantially increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

**RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the minimum parking requirement from 709 spaces to 15 spaces subject to the following conditions:

1. Review and Approval of the Travel Demand Management Plan by Planning staff and Public Works staff
2. Improved site design to create visually readable and functional pedestrian and bicycle connection along the extension of the Ninth Avenue view corridor through the service court on the east side of the theater building.
3. The intended parking in the service court is limited to no more than fifteen (15) stalls.
4. Landscaping shall be added to screen the service court from the east.

**TRAVEL DEMAND MANAGEMENT PLAN**

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A draft Travel Demand Management plan has been submitted for this development. Planning staff and Public Works staff have submitted their comments and required revisions to the applicant. The applicant intends to submit an updated Travel Demand Management Plan in sufficient time so that the Planning Department can to approve a final plan prior to the City Planning Commission hearing on April 14, 2003.

**VARIANCE - to increase the maximum allowed area for three graphic wall image signs from 180 square feet to 15, 314 square feet, 4,821 square feet and 4,379 square feet**

### **Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Increased area of three graphic wall image signs: The applicant is seeking a variance to increase the maximum allowed area for three graphic wall image signs from 180 square feet to 15, 314 square feet, 4,821 square feet and 4,379 square feet.

The applicant has submitted the following description of the three graphic wall images:

Three signs (P, Q, and R) “consist of carefully chosen large pixilated images from the Guthrie’s archives applied to the exterior metal panels. The Guthrie believes these are murals pursuant to Section 543.40 yet treats them as signs pursuant to direction from the Planning Department. Sign P will be applied to the Thrust theater from, Sign Q will be applied to the north face of the Proscenium form and Sign R will be applied to the east face of the Proscenium form. These images are considered building architecture and are envisioned as permanent building features which will help to create identity for the building as a theater. The images are intended to have a shimmering quality as the interact with varying light levels. At night, the dark blue background will recede into the sky and the images will tend to “float” in the darkness.”

Planning staff believes that the highly innovative graphic wall murals designed for the Guthrie Complex are an ingenious device that will give an active external presence to a building type that by it’s nature is inward looking.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Increased area of three graphic wall images: These murals will help anchor the building as a key destination in the creation of a new mixed-use neighborhood of the Central Riverfront in a large swath of former industrial lands that have for many years been underutilized as surface parking lots. The Guthrie Theater project is at the very heart of the creation of a new cultural/recreational, residential, commercial neighborhood in this corner of Downtown Minneapolis. As such the project will encourage and strengthen the existing development in the

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neighborhood and it will serve as a major catalyst for new development in both the Historic Mills District and in Downtown East.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Increased area of three graphic wall images: The Planning Department believes that the granting of the variance will be in keeping with the spirit and intent of the ordinance and will not be injurious to the use or enjoyment of other property in the vicinity.

The Planning Department believe that the proposed wall murals will alter the essential character of the locality *for the better*. The design for these wall murals is not only dramatic, it is an ingenious device that will give an active external presence to a building type that by it's nature is inward looking.

The stainless steel metal cladding of the exterior is deliberately intended to “act” differently in at different times of the day and night and throughout the different seasons of the year. The metal cladding will be etched with selected photographs and images that depict pivotal stage moments in the Guthrie’s history. The etching will render the images through a combination of gray and blue surfaces. The combination of blue and gray color, matte and polished finish will enable the building surface to catch light in different ways. Because the quality of natural light is highly variable over different intervals of time, the way these etched panels respond to the light – or the lack of light – will breathe life into the images on the panels. As such, the façades of the theater are intended to appear as if they are ever changing; in a constant slow-moving process of both evolution and recollection. For example, the direct noontime sun in the summer will show a part of an image that might otherwise fade in the general gray light of an overcast day. Likewise some parts of the same image may completely disappear at night when the sky is dark – particularly at times when other images or parts of images on the façade will be spotlighted so that specific attention is called to them.

For further information on how these signs are integrated into the larger conceptual design of the theater complex, see Appendices B and K, *Project Description submitted by Applicant*

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Increased area of three graphic wall images:** Granting the variance should not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

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**RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum allowed area for three graphic wall image signs from 180 square feet to 15, 314 square feet, 4,821 square feet and 4,379 square feet.

**VARIANCE - to increase the maximum allowed area for eleven wall panel signs from 180 square feet to 1575, 954, 530, 331.3, 331.3, 397.5, 543.3, ~~940~~490.3, 477, 622.5 and 636**

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Increased area of eleven wall panel signs: The applicant is seeking a variance to increase the maximum allowed area for eleven wall panel signs from 180 square feet to 1575, 954, 530, 331.3, 331.3, 397.5, 543.3, 940.3, 477, 622.5 and 636.

The applicant has submitted the following description of the eleven wall panel signs:

“The Guthrie will have eleven signs (Signs A, B, C, D, E, F, G, H, I, J, and K) affixed to wall panels that surround the restaurant under the Thrust theater form for on-premises signage to announce seasons and events or to display graphic art that is suggestive of theater or taken from historical performances. The Guthrie envisions replacing this signage on a monthly, seasonal or annual basis. The signs would likely be a resin-coated paper that can be graphically produced and easily cleaned. The opposite side of each panel will be polished stainless steel that will reflect the activity of the plaza, the restaurant or the city skyline depending on the angle and location of the viewer. These graphic panels would be lit from lights in the soffit above. The location of these wall panels is shown on the enlarged site plan of the Theater Building.”

Planning staff believes that these signs are a creative way to activate external presence of a building type that by its nature is inward looking. These panels will help add energy and excitement to the Chicago Avenue plaza. They will give passersby a sense of both the history of and current happenings at the theater. In addition, the highly polished finish of the reverse-side of each side is an inventive way to connect the site – both inside and outside of the building – to the fabric of the city and the panoramic views of the river valley.

For further information on how these signs are integrated into the larger conceptual design of the theater complex, see Appendices B and K.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

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Increased area of eleven wall panel signs: The proposed wall panel signs will help anchor the building as a key destination in the creation of a new mixed-use neighborhood of the Central Riverfront in a large swath of former industrial lands that have for many years been underutilized as surface parking lots. The Guthrie Theater project is at the very heart of the creation of a new cultural/recreational, residential, commercial neighborhood in this corner of Downtown Minneapolis. As such the project will encourage and strengthen the existing development in the neighborhood and it will serve as a major catalyst for new development in both the Historic Mills District and in Downtown East.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Increased area of eleven wall panel signs: The Planning Department believes that the granting of the variance will be in keeping with the spirit and intent of the ordinance and will not be injurious to the use or enjoyment of other property in the vicinity.

The Planning Department believe that the proposed wall panel signs will alter the essential character of the locality *for the better*. The design and placement of these wall panel signs will help to give an active external presence to a building type that by its nature is inward looking.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Increased area of eleven wall panel signs: Granting the variance should not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

**RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum allowed area for eleven wall panel signs from 180 square feet to 1575, 954, 530, 331.3, 331.3, 397.5, 543.3, 940.3, 477, 622.5 and 636, subject to the following condition:

1. Eleven wall panel signs will be used to announce seasons and events or to display graphic art that is suggestive of the theater or taken from historic performances. only for the purposes stated within for the life of these signs.
2. These signs will not be used at any time for off-premises advertising.

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### **VARIANCE - to increase the maximum allowed area for a wall sign from 180 square feet to 256 square feet**

#### **Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Increased area of one wall sign: The applicant is seeking a variance to increase the maximum allowed area for a wall sign from 180 square feet to 256 square feet.

The applicant has submitted the following description of the wall sign: Sign (“O”) will consist of the Guthrie trademarked flying “G” wall-mounted at the top of the east face of the proscenium tower. The “G” will be colored and illuminated.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Increased area of one wall sign: The proposed sign will help anchor the building as a key destination in the creation of a new mixed-use neighborhood of the Central Riverfront in a large swath of former industrial lands that have for many years been underutilized as surface parking lots. The Guthrie Theater project is at the very heart of the creation of a new cultural/recreational, residential, commercial neighborhood in this corner of Downtown Minneapolis. As such the project will encourage and strengthen the existing development in the neighborhood and it will serve as a major catalyst for new development in both the Historic Mills District and in Downtown East.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Increased area of one wall sign: The Planning Department believes that the granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Increased area of one wall sign: Granting the variance should not will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

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**RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum allowed area for a wall sign from 180 square feet to 256 square feet.

**VARIANCE - to exceed the maximum allowable sign budget from 969 square feet to 26,721.2 square feet**

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Increased total sign budget: The applicant is seeking a variance to exceed the maximum allowable sign budget from 969 square feet to 26,721.2 square feet.

The Applicant submitted the following statement:

“If this variance is not granted, there will be undue hardship to the applicant. As discussed at length above, all of the on-premises sign elements are integral and critical to the overall concept. As discussed above, the LED masts, the graphic wall panels, the façade graphics and the Guthrie flying “G” are all integral and critical to the design. Take away any one of these elements and the result would be a severely undermined concept. Specifically, the number of LEDs is both a compositional and functional necessity. With three active theaters, the Guthrie will require three LED masts to effectively communicate and identify the performances in all three spaces simultaneously.

The Guthrie has proceeded with this design concept relying on the enthusiastic and positive feedback expressed by the Planning Department, the Planning Commission, the HPC, and various neighborhood and community groups in a series of design update meetings that have occurred over the last year and a half. The Guthrie would suffer great hardship if any of these critical design elements were not approved. In effect, the Guthrie would have to redesign the entire project.”

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Increased total sign budget: The proposed sign will help anchor the building as a key destination in the creation of a new mixed-use neighborhood of the Central Riverfront in a large swath of former industrial lands that have for many years been underutilized as surface parking lots. The Guthrie Theater project is at the very heart of the creation of a new cultural/recreational, residential, commercial neighborhood in this corner of Downtown Minneapolis. As such the

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project will encourage and strengthen the existing development in the neighborhood and it will serve as a major catalyst for new development in both the Historic Mills District and in Downtown East.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Increased total sign budget: The Planning Department believes that the granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Increased total sign budget: Granting the variance should not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

### **RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the to exceed the maximum allowable sign budget from 969 square feet to 26,721.2 square feet.

### **VARIANCE - to allow three roof mounted signs**

#### **Findings as Required by the Minneapolis Zoning Code for the Variance:**

The applicant is seeking a variance to allow three roof mounted signs. Roof mounted signs are a prohibited sign type in the Minneapolis Zoning Code, therefore a variance to increase the maximum allowed area for the three roof mounted signs is not permitted.

### **RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **deny** the variance to allow three roof mounted signs.

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**VARIANCE - to increase the maximum allowed area for three roof mounted signs from 180 square feet to 400, 300 and 225 square feet**

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

The applicant is seeking a variance to increase the maximum allowed area for three roof mounted signs from 180 square feet to 400, 300 and 225 square feet. Roof mounted signs are a prohibited sign type in the Minneapolis Zoning Code, therefore a variance to allow roof mounted signs is not permitted.

**RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **deny** the variance to increase the maximum allowed area for three roof mounted signs from 180 square feet to 400, 300 and 225 square feet.

**VARIANCE - to change the content of three roof mounted flashing signs**

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

The applicant is seeking a variance to change the content of three roof mounted flashing signs. Roof mounted signs are a prohibited sign type in the Minneapolis Zoning Code, therefore a variance to change the content of three roof mounted flashing signs is not permitted.

**RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **deny** the variance to change the content of three roof mounted flashing signs.

**PRELIMINARY PLAT APPLICATION**

**Required Findings:**

- 1. The subdivision is in conformance with the land subdivision regulations including the requirements of section 598.80 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

**DESIGN REQUIREMENTS**

**General Standards:**

All created lots have frontage on public streets. The re-plating of the block does not result in more than one zoning classification on a single zoning lot. No nonconforming structures or uses result from this plat.

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### NONRESIDENTIAL DEVELOPMENT DESIGN

Block dimensions meet the requirements of the land subdivision ordinance. Lot dimensions exceed the minimum dimensions in the zoning code.

### ZONING CODE

With the approval of the Conditional Use Permit for an indoor theater, a Conditional Use Permit to increase the maximum allowed height of an indoor theater from 4 stories or 56 feet to 10 stories or 168 feet, a Conditional Use Permit to allow for a 15-stall accessory surface parking lot, a Variance to reduce the minimum parking requirement from 709 spaces to 15 spaces, a Variance to exceed the maximum allowable sign budget from 969 square feet to 26,721.2 square feet, a Variance to increase the maximum allowed area for three graphic wall image signs from 180 square feet to 15,314 square feet, 4,821 square feet and 4,379 square feet, a Variance to increase the maximum allowed area for eleven wall panel signs from 180 square feet to 1575, 954, 530, 331.3, 331.3, 397.5, 543.3, 940.3, 477, 622.5 and 636, a Variance to increase the maximum allowed area for a wall sign from 180 square feet to 256 square feet, a Variance to allow three roof mounted signs, a Variance to increase the maximum allowed area for three roof mounted signs from 180 square feet to 400, 300 and 225 square feet, a Variance to change the content of three roof mounted flashing signs, Major Site Plan Review, a Travel Demand Management Plan, a Preliminary Plat and an Air-Rights Vacation of a portion of the air rights above 2<sup>nd</sup> Street South between Chicago Avenue South and 9<sup>th</sup> Avenue South, beginning 31 feet above the current level of 2<sup>nd</sup> Street South this project will be in conformance with the applicable regulations of the zoning code.

### THE MINNEAPOLIS PLAN

See analysis in Section 5 of the Conditional Use Permit for the indoor theater, above.

**2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

In August of 2001, the *Update to the Historic Mills District Plan* was adopted by the City Planning Commission and subsequently by the full City Council as small area plan to be used in conjunction with Downtown 2010. The site for the new Guthrie Theatre is included within the geographic boundaries defined in the *Update to the Historic Mills District Plan*. The *Update Plan* was initiated in large part because the City Council and the Guthrie Theatre proposed the construction of a new theater facility on the Central Riverfront.

Planning staff believes that this development will anchor the creation of a new mixed-use neighborhood of the Central Riverfront in a large swath of former industrial lands that have for many years been underutilized as surface parking lots. The Guthrie Theater project is at the very heart of the creation of a new cultural/recreational, residential, commercial neighborhood in this corner of Downtown Minneapolis. As such the project will encourage and strengthen the

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existing development in the neighborhood. More importantly, it will serve as a major catalyst for new development in both the Historic Mills District and in Downtown East more generally.

The Planning Department does not believe that an indoor theater should be injurious to the use and enjoyment of other properties in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

**3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.**

The site is flat and does not present the above hazards.

**4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration**

The parcels created by this plat present no foreseeable difficulties for this development. No significant alteration to the land appears necessary.

**5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

### **Recommendation of the Minneapolis City Planning Department:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the application for a preliminary plat for the Guthrie Theater located on the block bounded 2<sup>nd</sup> Street South, vacated 9<sup>th</sup> Avenue South, West River Parkway and vacated Chicago Avenue South.

**VACATION (Vac1381)** – vacate a portion of the air rights above 2<sup>nd</sup> Street South between Chicago Avenue South and 9<sup>th</sup> Avenue South, beginning 31 feet above the current level of 2<sup>nd</sup> Street South.

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**Development Plan:** The site plan for the development is attached.

**Responses from Utilities and Affected Property Owners:** Of the utilities that have responded Xcel Energy has requested an easement.

**Findings:** The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if any easements requested above are granted by the petitioner.

### **RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the air-rights vacation for a portion of the air rights above 2<sup>nd</sup> Street South between Chicago Avenue South and 9<sup>th</sup> Avenue South, beginning 31 feet above the current level of 2<sup>nd</sup> Street South subject to granting an easement for Xcel Energy for the South half of Second Street South, lying between the easterly line of Chicago Avenue South and the westerly line of Ninth Avenue South.